

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ACCESS 4 ALL, INC., a Florida Not-For-Profit :
Corporation, and NELSON M. STERN, :
Individually, :

Plaintiffs, :

v. :

ULSTER HEIGHTS PROPERTIES, INC., a :
New York Corporation, :

Defendants. :

Case No. 1:07-cv-2923

Judge Leonard B. Sand

Magistrate Judge Frank Maas

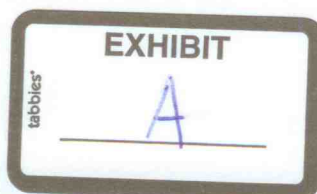
DEFAULT FINAL JUDGMENT AGAINST
DEFENDANT, ULSTER HEIGHTS PROPERTIES, INC.

THIS MATTER is before the court upon the Plaintiffs, ACCESS 4 ALL, INC., and NELSON M. STERN Motion For Entry of Judgment After Default, and it appearing to the Court that the Clerk of the United States District Court has entered a Certificate of Default against the Defendant, ULSTER HEIGHTS PROPERTIES, INC, on February 4, 2008. The Court has carefully considered the merits of said Plaintiffs' Motion For Entry of Judgment After Default and has reviewed the entire Court file.

Accordingly, after due consideration, it is

FOUND, ORDERED and ADJUDGED as follows:

1. That this Court has personal jurisdiction over the parties hereto and the subject matter herein;
2. That the Default entered by the Clerk of the United States District Court for the Southern District of New York against the Defendant on February 4, 2008 is hereby approved and ratified;



3. The Plaintiffs' Motion for Default Judgment, be and the same is hereby GRANTED as follows:

a. The Defendant, ULSTER HEIGHTS PROPERTIES, INC., be and the same is hereby ORDERED to comply with all sections of the Americans With Disabilities Act (hereinafter "ADA"), 42 U.S.C. § 12181, et seq., and the ADA Accessibility Guidelines (hereinafter "ADAAG"), 28 C.F.R. Part 36, and as specifically set forth in the Plaintiffs' Amended Complaint attached to the instant Motion For Entry of Judgment After Default, for all of which let execution issue. The Defendant shall have up to and including four (4) months from the date of this Default Final Judgment to comply with the provisions of this Judgment, in respect to the Prel Plaza, located at 60 Dutch Hill Road, Orangeburg, New York. On or before four (4) months from the date of this Default Final Judgment, the Plaintiff shall file with this Court an appropriate Notice of Compliance, setting forth in detail whether the Defendant has conformed its premises to the requirements of the ADA;

b. Plaintiffs shall also recover the attorneys fees and costs and the expert's fees, from the Defendant, ULSTER HEIGHTS PROPERTIES, INC., and this Court retains jurisdiction for the determination and award thereof. In accordance herewith, the Plaintiffs shall file an application for attorneys and expert fees, litigation expenses and costs, within 30 days of entry of this Final Default Judgment. This matter will be referred for an evidentiary hearing to a United States Magistrate on a date to be set for the sole purpose of determining the amount of attorneys and expert's fees, litigation expenses and costs to be awarded to Plaintiffs.

c. The Court shall retain jurisdiction over the above-styled cause solely to enforce compliance with this Judgment;

d. Immediately upon receipt of this Judgment, the Plaintiffs shall personally serve a copy, via certified, return receipt U.S. Mail, of this Default Final Judgment and the instant Motion

For Entry of Judgment After Default upon the appropriate agent for the Defendant, ULSTER HEIGHTS PROPERTIES, INC., and shall certify to this Court that such service has been made; and

e. To the extent not otherwise disposed of herein, all pending Motions are hereby DENIED as moot.

ORDERED and ADJUDGED in Chambers at New York, New York, this 19 day of

May, 2008.



United States District Court Judge

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. **No personal checks are accepted.**

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-V-

NOTICE OF APPEAL

civ. ()

Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ. ()

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME**

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time
_____ respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)

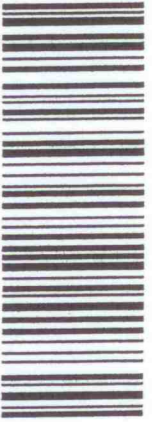
APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

UNITED MAIL™

3849-NY
FULLER, FULLER & ASSOCIATES, P.A.
12000 Biscayne Boulevard
Suite 609
North Miami, FL 33181



7005 1820 0004 3916 6763



Andrew Stoller
260 North Main Street
Spring Valley, New York 10977

AS

NIXIE 106 SE 1 74 06/04/08
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 33181272759 *0358-02741-30-01

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3318102727



(address given
to Secretary of State)